

MAR 17 2009

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

J. E. ADJUSTER, INC.

CIVIL ACTION NO. 08-00652

-vs-

JUDGE DRELL

FOUNTAIN GROUP, L.L.C., et al.

MAGISTRATE JUDGE KIRK

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**ORDER**

Before the Court is Defendants' "Motion for More Definite Statement and Motion to Dismiss." (Doc. 9). Defendants argue that the lack of specificity in Plaintiff's original complaint should compel this Court to dismiss its fraud claims outright. In light of Plaintiff's amended complaint (Doc. 15) that accompanied its opposition to Defendants' Motion, Defendants' arguments are moot. The amended complaint alleges with sufficient "particularity" Plaintiff's claims of fraud under Federal Rule of Civil Procedure 9(b). *See Carroll v. Fort James Corp.*, 470 F.3d 1171, 1174 (5th Cir. 2006) (requiring plaintiffs to "plead enough facts to illustrate "the 'who, what, when, where, and how' of the alleged fraud").

Accordingly, Defendants' Motion is **DENIED**.

SIGNED on this 16<sup>th</sup> day of March, 2009 at Alexandria, Louisiana.



DEE D. DRELL  
UNITED STATES DISTRICT JUDGE